

# Exhibit D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JEFFREY CABE, SEAN FREY, ANITA  
POTEETE, RONDA ROHDE, ROBERT  
SNELL, JEFFREY MOORE and ELISA  
TINNELL, MICHAEL KAP, KAREN  
ROBERTSON, JIM WESTRA, JOHNNY  
RUIZ, ARCHIE ROBINSON, DECODA  
KEYS and NORMA MOODY, Each  
Individually and on Behalf of All Others  
Similarly Situated,**

Plaintiffs,

v.

**EVERGREEN PACKAGING LLC and  
PACTIV EVERGREEN INC.,**

Defendants.

Case No. 1:24-CV-01316

Hon. John Robert Blakey

Hon. Jeffrey T. Gilbert

**DECLARATION OF IAN ANTHONY IN SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION**

I, Ian Anthony, hereby declare as follows:

1. I am over 18 years of age and competent to testify as to the matters in this Declaration. I have personal knowledge of the facts set forth in this declaration, or I have knowledge of such facts based on my review of the business records and files of Pactiv LLC (the "Company" or "Pactiv"). If called as a witness, I could and would testify competently to such facts contained herein.

2. I was the Human Resources Manager at Pactiv LLC's Kinston, North Carolina location from February 2021 through March 2024. Currently, I am in a new role titled PEPS Improvement Manager and assumed that role in March 2024. As the Human Resources Manager,

I was responsible for enforcing policies, payroll, employee relations, hiring, staffing, compliance, project management, and more.

3. The Kinston facility operates 24 hours a day, 5-days a week. We are a non-union facility and manufacture and produce paper and coffee cups, as well as French fry containers. The facility operates three eight-hour shifts for all production workers.

4. The Kinston facility utilizes a 7-minute grace period for the start and end of an employee's scheduled shifts. However, if an employee works a different shift than the one, they are scheduled to work (which happens frequently), the employee cannot utilize the 7-minute grace period and is paid to the punch for the time the employee punched in and punched out.

5. For the employees who do utilize the grace period for the scheduled shift, the grace period allows employees to punch-in no more than 7-minutes prior to their scheduled shift-start time and no more than 7-minutes after the end of the scheduled shift time. Employees are not required to work, and to my knowledge, do not perform any work between the time they punch in, and the time of their scheduled shift start. If an employee punches in before the 7-minute grace period or punches out after the 7-minute grace period, the employee is paid to the punch. Due to the location of our timeclocks outside of the production floor, no employee is able to begin working until they have punched in. I am unaware of any complaints from employees about working during the 7-minute grace period window. The 7-minute grace period is meant to provide a short window of time for employees to punch-in so that they are prepared to begin their work at the start of their scheduled shift time.

6. The facility currently employs 260 hourly, nonexempt employees.


7. Most individuals wear their safety boots when they come to the facility. The only additional PPE that is required is a bump cap, hair net, and ear plugs, which should be put on after employees have punched-in and prior to stepping out onto the production floor.

8. I am unaware of any employees performing work off-the-clock and no employee has complained to me about working off-the-clock at any point during my tenure with the Company. I recall that Ms. Norma Moody worked at the Kinston facility from approximately 2011 through the end of 2023 when she submitted her resignation. Ms. Moody was a quality inspector in the Quality Department. Ms. Moody was an opinioned employee and was known to express her opinion on all subjects. There is no record of Ms. Moody ever making a complaint of not getting paid for all of her work or of having to perform off-the-clock work.

9. If there is ever any issue with a missed punch or time adjustment, an employee can notify a supervisor, who will then adjust the time accordingly. The employee's time is then changed to reflect the hours they worked.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and that I would so testify if called upon to do so in this matter.

Executed this 27<sup>th</sup> day of June 2024 in Richland, North Carolina.

  
Ian Anthony